

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 28 2006
at 2 o'clock and 7 min. 7 M
SUE BEITIA, CLERK

Attorneys for Defendants
WILLIAM P. BADUA,
JEFFREY OMAI and
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,	) CIVIL NO. CV03-476 KSC
)
Plaintiff,	) DEFENDANTS
	) WILLIAM P. BADUA,
vs.	) JEFFREY OMAI AND
	) SPENCER ANDERSON'S
WILLIAM P. BADUA;	) PROPOSED SPECIAL VOIR DIRE
JEFFREY OMAI;	) QUESTIONS; CERTIFICATE OF
SPENCER ANDERSON;	) SERVICE
NEIL PANG;)
and DOES 5-10,)
)
Defendants.)
	) TRIAL DATE: WEEK OF
	) MARCH 14, 2006

DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S PROPOSED SPECIAL VOIR DIRE QUESTIONS

Pursuant to the Third Amended Rule 16 Scheduling Order, Defendants WILLIAM P. BADUA, JEFFREY OMAI and SPENCER ANDERSON, by and through their attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and Marie Manuele Gavigan, Deputies Corporation Counsel, hereby submit their proposed special voir dire questions for the Court to voir dire the jury:

1. Have you or anyone in your family ever been arrested? Explain.
2. Have you or anyone in your family ever had a bad experience with police officers? Explain.
3. Do you have any strong feelings about the Honolulu Police Department?
4. Do you have any strong opinions or feeling concerning any issues being raised in this lawsuit, such that you feel you may not be able to consider the evidence in this case without making presumptions and/or be fair and impartial to either side in this case?
5. Do any of you believe that entering a person's home by the police is automatically a violation of that person's constitutional or civil rights?

6. Have the police ever come to your residence?
 - a. If so, please explain why the police were there.
 - b. Would this experience affect your ability to be fair and impartial to either side in this case?
7. Do you know any of the parties in this case?
 - a. If so, what is the nature and extent of your relationship with that person?
8. Do you know any of the attorneys in this case?
 - a. If so, what is the nature and extent of your relationship with that person?
9. If you are employed, please describe the type of work you do and your duties and responsibilities.
10. Have you or anyone close to you ever been a witness or a party to a lawsuit (either as a plaintiff or defendant)?
 - a. If so, what was the nature of the lawsuit(s) and your involvement?
 - b. How was the lawsuit(s) resolved?
 - c. Were you satisfied with how the lawsuit was resolved?

- d. Was there anything about such experience that may affect your ability to consider the evidence in this case without making presumptions and/or be fair and impartial to either side of the case?

11. Do you think that the Plaintiff is entitled to recovery simply because she has brought a lawsuit?

12. Does the fact that a lawsuit has been brought cause you to believe that this case has merit?

13. Do you think that the Plaintiff is entitled to a recovery simply because she may have suffered emotional problems?

14. Do any of you, for any reason, feel opposed to or resentful of, or simply dislike, the Honolulu Police Department or any of its police officers and employees?

15. Do any of you, for any reason, feel opposed to or resentful of, simply dislike, law enforcement personnel?

16. Do you know of anyone who has been in a similar situation as the one Plaintiff claims to have been in?

- a. How do you feel about that person's situation?


17. Have any of you ever personally known someone who was sued who you felt was wrongfully accused of something that he or she did not do?

18. If the evidence and the law are in favor of the Defendants, will you have any hesitation about rendering a verdict for the Defendants, even though it means that the Plaintiff may not recover any money?

19. If the Court instructs you to apply a certain law to the facts you hear in this trial, will you be able to do that even though the result does not please you?

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By: 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorneys for Defendants
WILLIAM P. BADUA,
JEFFREY OMAI and
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,	)	CIVIL NO. 03-476 KSC
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
WILLIAM P. BADUA;)	
JEFFREY OMAI;)	
SPENCER ANDERSON;)	
NEIL PANG;)	
and DOES 5-10,)	
)	
Defendants.)	
)	
)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand
delivery to the following individuals at their addresses shown below on
February 28, 2006:

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and

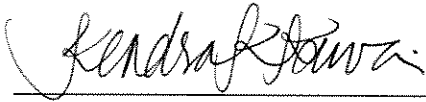
ARTHUR E. ROSS, ESQ.
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Honolulu, Hawaii 96813
and

RORY SOARES TOOMEY
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Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By: 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorney for Defendants
WILLIAM P. BADUA
JEFFREY OMAI and
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